

AMENDED IN ASSEMBLY APRIL 9, 2003
AMENDED IN ASSEMBLY MARCH 25, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1180

Introduced by Assembly Member Harman

February 21, 2003

An act to amend, *repeal, and add* Section 209 of the Code of Civil Procedure, relating to jurors.

LEGISLATIVE COUNSEL'S DIGEST

AB 1180, as amended, Harman. Jury duty.

Under existing law, a prospective trial juror who has been summoned for jury service and fails to attend as directed or respond to the court may be compelled to attend, as specified. In addition, after an order to show cause hearing, the court may find the prospective juror in contempt of court, which is punishable by fine, incarceration, or both.

This bill would permit the court, in lieu of imposing penalties for contempt, to impose reasonable money sanctions of no more than \$250 *for a first violation*, \$500 *for a 2nd violation*, and \$1,000 *for the 3rd or more violation*, upon a prospective juror who has failed to respond, after first providing the prospective juror with notice and an opportunity to be heard, as specified. The bill would also require the Judicial Council to provide a procedure for prospective jurors against whom a sanction has been imposed by default to move to set aside the default. *The bill would also provide that its provisions shall remain effective until January 1, 2007, unless extended by statute.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 209 of the Code of Civil Procedure is
2 amended to read:

3 209. (a) Any prospective trial juror who has been summoned
4 for service, and who fails to attend ~~upon the court~~ as directed or to
5 respond to the court or jury commissioner and to be excused from
6 attendance, may be attached and compelled to attend. Following
7 an order to show cause hearing, the court may find the prospective
8 juror in contempt of court, punishable by fine, incarceration, or
9 both, as otherwise provided by law.

10 (b) In lieu of imposing sanctions for contempt as set forth in
11 subdivision (a), the court may impose reasonable ~~money sanctions~~
12 *monetary sanctions, as provided in this subdivision*, after first
13 providing the prospective juror with notice and an opportunity to
14 be heard. The court may give notice of its intent to impose
15 sanctions by either of the following means:

16 (1) Verbally to a prospective juror appearing in person in open
17 court.

18 (2) The issuance on its own motion of an order to show cause
19 regarding why sanctions should not be imposed. The court may
20 serve the order to show cause by certified or first-class mail.

21 The monetary sanctions imposed may not exceed ~~five hundred~~
22 ~~dollars (\$500)~~ *two hundred fifty dollars (\$250) for the first*
23 *violation, five hundred dollars (\$500) for the second violation, and*
24 *one thousand dollars (\$1,000) for the third or more violation.*
25 Notwithstanding any other provision of law, the full amount of any
26 sanction paid shall be deposited in a special account in the county
27 treasury and transmitted from that account monthly to the
28 Controller for deposit in the Trial Court Trust Fund. *Moneys*
29 *collected pursuant to this subdivision shall be used solely to*
30 *augment the fee paid to jurors pursuant to subdivision (a) of*
31 *Section 215 of the Code of Civil Procedure based upon an*
32 *equitable funding system developed by the Judicial Council.* The
33 Judicial Council shall, by rule, provide for a procedure by which
34 a prospective juror against whom a sanction has been imposed by
35 default may move to set aside the default.

1 (c) On or before December 31, 2005, the Judicial Council shall
2 report to the Legislature regarding the effects of implementation
3 of subdivision (b). The report shall include, but not be limited to,
4 information regarding any change in rates of response to juror
5 summons, the amount of money collected pursuant to subdivision
6 (b), a description of the amounts by which juror compensation fees
7 were increased due to this chapter, the efficacy of the default
8 procedures adopted in rules of court, and how, if at all, the
9 Legislature may wish to alter this chapter to further attainment of
10 its objectives.

11 (d) This section shall remain in effect only until January 1,
12 2007, and as of that date is repealed, unless a later enacted statute,
13 that is enacted before January 1, 2007, deletes or extends that date.

14 SEC. 2. Section 209 is added to the Code of Civil Procedure,
15 to read:

16 209. Any prospective trial juror who has been summoned for
17 service, and who fails to attend upon the court as directed or to
18 respond to the court or jury commissioner and to be excused from
19 attendance, may be attached and compelled to attend; and,
20 following an order to show cause hearing, the court may find the
21 prospective juror in contempt of court, punishable by fine,
22 incarceration, or both, as otherwise provided by law.

23 This section shall become operative on January 1, 2007.